

FILED
U.S. DISTRICT COURTIN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION
2009 JUL 13 A 10-11FRANK RODRIGUEZ,
Plaintiff,

v.

CINDY PETIT et al.,
Defendants.BY: ~~CLERK~~
**ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**

Case No. 2:06-CV-14 DB

District Judge Dee Benson

Magistrate Judge Brooke Wells

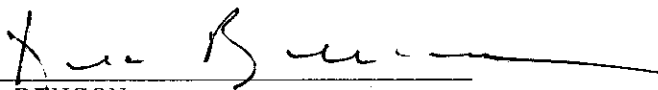
Plaintiff, Frank Rodriguez, filed this *pro se* civil rights suit under 42 U.S.C. § 1983 while confined at the Utah State Prison. See 42 U.S.C.A. § 1983 (West 2009). Plaintiff was allowed to proceed *in forma pauperis* under 28 U.S.C. § 1915. See 28 U.S.C.A. 1915 (West 2009). On March 27, 2008, the Court entered an order dismissing two named defendants and directing service of process on those remaining. On August 8, 2008, mail sent to Plaintiff's address of record at the Utah State Prison was returned as undeliverable marked "Unknown Addressee." On December 10, 2008, Defendants filed a *Martinez* Report refuting the allegations in Plaintiff's Complaint and stating their intention to seek summary judgment. That same day, mail addressed to Plaintiff was again returned as undeliverable. On April 14, 2009, the Court entered an order directing Plaintiff to show cause within thirty days why this case should not be

dismissed for failure to prosecute. A copy of that order was sent to Plaintiff's address of record at the Utah State Prison and to the updated address obtained from Utah Department of Corrections Adult Probation and Parole. More than sixty days have now passed with no response from Plaintiff.

Accordingly, **IT IS HEREBY ORDERED** that this case is **DISMISSED** under Rule 41(b) for failure to prosecute. See Fed. R. Civ. P. 41(b).

DATED this 2nd day of July, 2009.

BY THE COURT:



DEE BENSON
United States District Judge